

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JAIME VALOIS,

Plaintiff,

v.

CIV No. 08-1092 LAM

**MICHAEL J. ASTRUE,
Commissioner of Social Security,**

Defendant.

ORDER GRANTING EAJA FEES

THIS MATTER is before the Court on Plaintiff's *Motion for Approval of Attorney Fees Under the Equal Access to Justice Act* (hereinafter, "***Motion***") (*Doc. 26*). The Court has considered the ***Motion*** (*Doc. 26*), the affidavit of attorney time spent (*Doc. 26-2*), ***Defendant's Response to Plaintiff's Motion for Attorney Fees Under EAJA*** (*Doc. 28*), and the relevant law. The Defendant does not oppose the ***Motion***. The Court, therefore, will **GRANT** the ***Motion***.

IT IS THEREFORE HEREBY ORDERED that Plaintiff's ***Motion*** (*Doc. 26*) is **GRANTED**, and Plaintiff Jaime Valois is authorized to receive **\$3,042.00** for payment to his attorney for services before this Court, in accordance with *Manning v. Astrue*, 510 F.3d 1246 (10th Cir. 2007).¹

IT IS SO ORDERED.

Lourdes A. Martínez
THE HONORABLE LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE
Presiding by Consent

¹ If Plaintiff's attorney is also awarded fees under 42 U.S.C. § 406(b) for work in this case, the smaller of the two awards must be returned to Plaintiff. See *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002).